

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Eric Opitz

Case No.

14cr541 - FIVE

14-566-M

FILED

JUN 03 2014

MICHAEL KUNZ, Clerk
Dep. Clerk

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 9/30/13, 12/31/13, 4/18/14 in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18, United States Code, Sections 1341	Mail fraud
Title 18, United States Code, Section 1343	Wire fraud
Title 18, United States Code, Section 1347	Health care fraud
Title 21, United States Code, Section 841	Distribution of controlled substances

This criminal complaint is based on these facts:

See attached Affidavit.

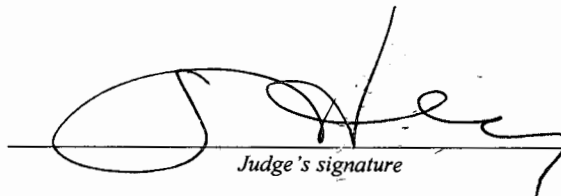
☒ Continued on the attached sheet.


Complainant's signature

Edward McCusker, Special Agent, FDA-OCI

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/03/2014City and state: Philadelphia, Pennsylvania


Judge's signature

U.S.M.J. Elizabeth T. Hey

Printed name and title

AFFIDAVIT

1. I, Edward McCusker, your affiant, having been duly sworn, depose and state as follows:
2. I am a Special Agent with the United States Food and Drug Administration (FDA), Office of Criminal Investigations ("OCI"), Philadelphia Resident Office. I have been a Special Agent since 1997. I have been in my current position as an FDA/OCI Special Agent since August 2010. I have completed the Criminal Investigator Training Program at the Federal Law Enforcement Training Center, Glynco, Georgia. In addition, I have completed the FDA/OCI Special Agent Training Program and a specialized one-week FDA law course. In my current position with FDA/OCI, I am responsible for investigating violations of the Federal Food, Drug, and Cosmetic Act (FD&C Act), Title 21, United States Code, Sections 321 through 397, as well as other applicable violations of Title 18, United States Code.
3. This affidavit is based upon my personal knowledge, a review of evidence obtained during the course of the investigation, my training and experience, and information provided by other law enforcement officers and civilians throughout the course of the investigation.
4. I have not included every fact that I have learned during the investigation in this affidavit, but only the facts sufficient to establish probable cause for a warrant to arrest Eric C. Opitz.
5. I have been involved, along with agents of the United States Department of Immigration Customs Enforcement, Homeland Security Investigations ("HSI") and the United States Food and Drug Administration, Office of Criminal Investigation ("FDA-OCI") in an investigation into health care fraud committed by Eric C. Optiz (the "target" or "Opitz"). The

investigation to date has revealed that Eric C. Opitz resides at 602 Passaic Avenue, Phillipsburg, New Jersey. The investigation has also revealed that Opitz has engaged in a scheme involving the purchase, sale, and shipment of human growth hormones (“HGH”) and steroids, in violation of 18 U.S.C. § 1341, 18 U.S.C. § 1343, 18 U.S.C. § 1347, and 21 U.S.C. § 841.

Background

1. The Medicare Program was established by the Social Security Act of 1965 (codified as amended in various sections of Title 42, United States Code) to provide medical services, medical equipment, and supplies to aged, blind, and disabled individuals who qualify under the Social Security Act (the “beneficiaries”). Medicare is administered by the Centers for Medicare and Medicaid Services (“CMS”), a federal agency under the United States Department of Health and Human Services.

2. Part D of Medicare, which is the relevant program for purposes of this case, was established by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. Part D of Medicare is a “health care benefit program,” as defined by Title 18, United States Code, Section 24(b).

3. Part D of Medicare provides subsidized prescription drug insurance coverage to qualifying Medicare beneficiaries. Drugs covered by Part D of Medicare include only those medications that are prescribed for a medically accepted indication and that are medically necessary for a Medicare beneficiary. Among the types of drugs covered by Part D of Medicare are growth hormones (“GH”) and androgens (“testosterone”). These drugs are used principally to treat pituitary dwarfism and testicular hypofunction.

4. Under the Part D of Medicare, the CMS contracts with private health insurance providers to offer approved prescription drugs plans (“PDPs”) to qualifying Medicare beneficiaries. PDP

sponsors, in turn, pay prescription drug providers (e.g., retail and institutional pharmacies) to provide pharmacy services to PDP enrollees. The PDP sponsors are compensated through a combination of enrollee premiums and reimbursement from CMS.

5. Under the Food, Drug, and Cosmetic Act (“FDCA”), drugs are defined as, among other things, articles intended for use in the cure, mitigation, treatment or prevention of disease in man (21 U.S.C. §321(g)(1)(B)); articles intended to affect the structure or function of the body of man (21 U.S.C. §321(g)(1)(C)); or articles intended for use as components of other drugs (21 U.S.C. § 321(g)(1)(D)). A prescription drug is a drug which, because of its toxicity or other potentiality for harmful effect, is limited to use under the professional supervision of a practitioner licensed by law to administer such a drug, or is limited by its FDA new drug approval to use under the professional supervision of a licensed practitioner. See 21 U.S.C. §§ 353(b)(1).

6. The term “human growth hormone” means somatrem, somatropin, or an analogue of either somatrem or somatropin. 21 U.S.C. § 333(e)(4). Somatropin is defined as a recombinant-DNA derived synthetic or naturally-occurring growth hormone from the human pituitary gland.

7. All HGHs are prescription drugs because of their toxicity and their potential for harmful effects; or the method of their uses, or the collateral measures necessary to their uses, are not safe for use except under the supervision of a practitioner licensed by law to administer such a drug. 21 U.S.C. § 353(b)(1)(A). Additionally, pursuant to 21 U.S.C. §333(e)(1), only a physician may prescribe HGH, and s/he can only prescribe HGH for a use authorized by the Secretary of Health and Human Services.

8. FDA approval is required for any HGH lawfully sold or distributed in the United States as a drug or for any use in humans. Any HGH with FDA approval pursuant to 21 U.S.C. § 355 is limited to specific-approved uses, and such uses must be under the professional supervision of a physician licensed by law to administer such a drug. The knowing distribution of, or possession with intent to distribute, HGH for any use in humans is prohibited by 21 U.S.C. § 333(e)(1), unless the use is for the treatment of a disease or other recognized medical condition where such use had been authorized by the Secretary of Health and Human Services and pursuant to the order of a physician. A violation of this section is punishable by not more than five years in prison; however, if a violation involves an individual under the age of eighteen, the offense is punishable by not more than ten years in prison. 21 U.S.C. § 333(e)(2).

9. Your Affiant is aware that under 21 U.S.C. § 333(e)(1), reference is made to the “order of a physician,” as opposed to the terminology “order of a licensed practitioner” used elsewhere in the FDCA. Therefore, even if a state allows nurse practitioners and/or physicians assistants to prescribe and/or dispense prescription drugs lawfully, these practitioners are prohibited from prescribing HGH under the specific language contained within this section.

10. As of June 2006, there were only thirteen recombinant HGH products approved by the FDA and authorized by the Secretary of Health and Human Services for treating one or more of the following medical conditions: (a) treatment of AIDS wasting or cachexia; (b) pediatric growth hormone deficiency; (c) short-bowel syndrome in adults; (d) adults with somatropin syndrome who meet one of two criteria (adult onset endogenous growth inadequacy due to pituitary or hypothalamic disease, surgery or trauma, or adults who had child-onset somatropin deficiency that was not treated); (e) pediatric idiopathic short stature; (f) pediatric patients with Turner syndrome; (g) pediatric patients who are small for gestational age; (h)

pediatric growth failure due to renal insufficiency following transplantation; (i) children with Prader-Willi syndrome; and j. persons with HARS (HIV-associated adipose redistribution syndrome).

11. The FDA has not authorized the use of HGH in humans for any other purpose than those listed above. I am aware that individuals, including athletes, often turn to performance-enhancing drugs, such as HGH, to increase muscle size and strength, but as previously noted, physicians are not permitted to prescribe HGH for the purpose of promoting muscle growth to improve athletic performance. Additionally, I am aware that unscrupulous “clinicians” often illegally promote the use of HGH for “anti-aging,” a vague therapy of indeterminate endpoints. As a result, these individuals often seek to obtain the drug illegally by purchasing the drug from an unauthorized distributor within the United States, or by obtaining HGH from legitimate sources by means of misrepresentation and fraud.

12. In June 2014, a check with applicable online professional license verification databases for the States of New Jersey, New York, and Pennsylvania confirmed that Eric Opitz was not a licensed physician.

13. Dispensing a prescription drug without the valid prescription of a licensed practitioner is an act that misbrands the drug while held for sale, 21 USC 353(b), and the introduction into interstate commerce of a misbranded drug is a prohibited act under 21 U.S.C. § 331(a).

14. Genotropin® (somatropin for injection) is FDA approved and indicated for the following conditions/uses in pediatric patients: growth failure due to an inadequate secretion of endogenous growth hormone; growth failure due to Prader Willi syndrome; growth failure in children born small for gestational age who fail to manifest catch up growth by age two years;

growth failure associated with Turner syndrome; idiopathic short stature, also called non-growth hormone-deficient short stature, defined by height standard deviation score (SDS) < -2.25, and associated with growth rates unlikely to permit attainment of adult height in the normal range, in pediatric patients whose epiphyses are not closed and for whom diagnostic evaluation excludes other causes associated with short stature that should be observed or treated by other means.

15. Genotropin® (somatropin for injection) is FDA approved and indicated for the following conditions/uses in adult patients: replacement of endogenous growth hormone in adults with growth hormone deficiency who meet either of the following two criteria; adult onset growth hormone deficiency, either alone or associated with multiple hormone deficiencies (hypopituitarism), as a result of pituitary disease, hypothalamic disease, surgery, radiation therapy, or trauma; growth hormone deficient during childhood as a result of congenital, genetic, acquired, or idiopathic causes. Patients who were treated with somatropin for growth hormone deficiency in childhood and whose epiphyses are closed should be reevaluated before continuation of somatropin therapy at the reduced dose level recommended for growth hormone deficient adults. According to current standards, confirmation of the diagnosis of adult growth hormone deficiency in both groups involves an appropriate growth hormone provocative test with two exceptions: (1) patients with multiple other pituitary hormone deficiencies due to organic disease; and (2) patients with congenital/genetic growth hormone deficiency.

The Investigation

1. On September 23, 2013, Homeland Security Investigations (HSI) Special Agent (“SA”) William Shaw entered the <http://philadelphia.craigslist.org/> website. Within the <http://philadelphia.craigslist.org/> website, SA Shaw entered the link labeled “beauty+hlth.” This link redirected SA Shaw to <http://philadelphia.craigslist.org/haa/>. Within

<http://philadelphia.craigslist.org/haa/>, SA Shaw performed a search for “hgh.” One of the results yielded by the search revealed an entry titled “HGH (HUMAN GROWTH HORMONE) MEDICAL GRADE) LOW PRICES - \$1 (PHILLY (HGH AND TEST) 100 KITS)”. The description for this entry stated:

“DO NOT WAIT
ALOT IN STOCKFROM PHARMACY BUT IT MOVES FAST
GET BIGGER ANDSTRONGER
LEANER AND HARDER
BURN THE FAT OFF TAKE DOWN THE BELLY

HUMAN GROWTH HORMONE
REAL STUFF
GENOTROPIN MADE BY PFIZER

CONTACT EMAIL OR TEXT 908 574 9562
GREAT DEALS TONIGHT”

2. On September 27, 2013, SA Shaw sent a summons to Craigslist.org, requesting information related to the advertisement detailed above. On September 30, 2013, SA Shaw received the results of the summons via email. He learned the following information:

posting_id: 4038514458
poster_email: feboce@live.com
user_id: 195649737
poster_ip: 24.229.107.252
auth_user_phone: 9087631901
record_created: Sat Aug 31 2013 16:35:21 (Pacific)
posted_date: Sun Sep 22 2013 13:23:32 (Pacific)
record_modified: Sun Sep 22 2013 13:24:51 (Pacific)
area_description: philadelphia
subarea_description: n/a
neighborhood: n/a
geographic_area: PHILLY (HGH AND TEST) 100 KITS
category_description: health and beauty - by dealer
category_type: for sale / wanted
price/age: 1
invoice_item_id: n/a
privacy: anonymized email address

posted_state: made active by user
posting_title: HGH (HUMAN GROWTH HORMONE) MEDICAL GRADE)
LOW PRICES
PostingBody
=====

DO NOT WAIT
ALOT IN STOCKFROM PHARMACY BUT IT MOVES FAST
GET BIGGER ANDSTRONGER
LEANER AND HARDER
BURN THE FAT OFF TAKE DOWN THE BELLY
HUMAN GROWTH HORMONE
REAL STUFF
GENOTROPIN MADE BY PFIZER
CONTACT EMAIL OR TEXT 908 574 9562
GREAT DEALS TONIGHT
Location: PHILLY (HGH AND TEST) 100 KITS
it's ok to contact this poster with services or other commercial interests

3. On November 27, 2013, PenTeleData provided the following customer information in regards to IP address 24.229.107.252 in response to a grand jury subpoena:

Customer Information: PenTeleData Account# 3028196
Roberta Opitz
602 Passaic Ave
Phillipsburg, NJ, 08865
908 454 9120

4. Additionally, SA Shaw learned from PenTeleData's response to the grand jury subpoena that IP address 24.229.107.252 was registered to Roberta Opitz from October 4, 2012 through November 27, 2013, which included the time that the Craigslist advertisement was created.

5. On September 30, 2013, an undercover HSI Agent (the "UCA") sent a text message to (908) 574-9562 inquiring about the HGH advertisement on craigslist.org described above. Through a series of consensually monitored telephone calls and text messages, the operator of (908) 574-9562 agreed to sell HGH to the UCA for \$425.00. The UCA sent \$425 via Western Union, as the operator of (908) 574-9562 instructed him to do. The operator of (908)

574-9562 provided the name Eric Opitz, 47 Chippenfield Drive, Effort, Pennsylvania. At no time during the conversations did Opitz ask for a physician's prescription for the HGH that would be sold.

6. In response to a grand jury subpoena, Western Union informed investigating agents that, on September 30, 2013, payee Eric Opitz retrieved the money sent by the UCA. The payee's date of birth was listed as "11071968." The payee driver's license ID was listed as "27025988." Per Pennsylvania State indices, driver's license number 27025988 belongs to Eric C. Opitz; date of birth: November 7, 1968; address: 47 Chippenfield Drive, Effort, Pennsylvania 18330.

7. On October 7, 2013, the UCA went to an undercover address maintained by law enforcement and retrieved a USPS parcel ("PARCEL1"). The tracking number 9114 9011 5981 8208 2144 08 was listed on PARCEL1. No return address was listed on PARCEL1. A label on PARCEL1 listed:

U.S. POSTAGE
PAID
PHILLIPSBURG, NJ
08865
OCT 02, 13
AMOUNT
\$2.97

8. A box marked Genotropin was inside of PARCEL1. Other markings found on the box included "Pfizer," "Rx only," and "NDC 0013-2626-81." Also listed on the box was lot number Z07756 and expiration date July 2015.

9. On December 26, 2013, the UCA engaged in consensually monitored text messages and telephone calls with the operator of (908) 574-9562. The operator of (908) 574-9562 agreed to sell the UCA more HGH and anadrol, an anabolic steroid, \$472.00. As before,

the UCA sent the money via Western Union to Eric Opitz, as instructed by the operator of (908) 574-9562. At no time during the conversations did the operator of (908) 574-9562 ask for a physician's prescription for the HGH that would be sold.

10. In response to a grand jury subpoena, Western Union informed investigating agents that, on December 26, 2013, payee Eric Opitz retrieved the money sent by the UCA. The payee's date of birth was listed as "11071968." The payee driver's license ID was listed as "27025988." Per Pennsylvania State indices, driver's license number 27025988 belongs to Eric C Opitz; date of birth: November 7, 1968; address: 47 Chippenfield Drive, Effort, Pennsylvania 18330.

11. On December 31, 2013, HSI agents went to an undercover address maintained by law enforcement and retrieved a USPS parcel. The tracking number 9114 9011 5981 5117 4406 52 was listed on PARCEL2. No return address was listed on PARCEL2. A label on PARCEL2 listed:

U.S. POSTAGE
PAID
STEWARTSVILLE, NJ
08886
DEC 27, 2013
AMOUNT
\$3.31

12. A box marked Genotropin was inside PARCEL2. Other markings found on the box included "Pfizer," "Rx only," and "NDC 0013-2626-81." The lot number on the box was Z05294 and the expiration date listed was 02/2015. Also contained in PARCEL2 was a "Spring Valley", "A&D vitamin" bottle ("BOTTLE1"). The seal underneath the cap of the BOTTLE1 was broken. Fourteen white pills were inside of BOTTLE1.

13. Agents took two white pills from PARCEL2 and sent them to U.S. Customs and Border Protection ("CBP"), Laboratories and Scientific Services for analysis. The pills were found to contain oxymetholone, an anabolic steroid and Schedule III controlled substance. See 21 C.F.R. 1308.

14. On February 12, 2014, agents searched the New Jersey Motor Vehicle Commission driver's license database and learned that Eric C. Opitz had license number O7079 23263 11684 until December 31, 2001. His date of birth is November 7, 1968. He is 6' 3" tall, and his mailing address was P.O. Box 346, Phillipsburg, New Jersey 08865 and his residential address was 602 Passaic Street, Phillipsburg, NJ 08865.

15. On February 27, 2014, HHS-OIG special agents sat outside of 602 Passaic Avenue, Phillipsburg, New Jersey 08865 and saw a person matching Eric C. Opitz's physical description walking to 602 Passaic Avenue, Phillipsburg, New Jersey 08865. On two more occasions, agents saw a person matching Opitz's description entering and leaving 602 Passaic Avenue, Phillipsburg, New Jersey.

16. On March 18, 2014, agents served a grand jury subpoena on Cellco Partnership d/b/a Verizon Wireless, concerning telephone number (908) 574-9562. The provider informed investigating agents subsequently that the telephone number is active and has been active since January 10, 2013. The subscriber to the telephone number is Eric Opitz.

17. On April 10, 2014, HSI, FDA-OCI, and HHS-OIG Special Agents conducted physical surveillance at 602 Passaic Avenue, Phillipsburg, NJ. They saw Opitz coming and going from residence throughout the day. Opitz traveled to the Stop&Shop, 1278 US Highway 22, Phillipsburg, New Jersey and went to the customer services counter (PNC Bank & Western

Union Services). Security video obtained later from Stop&Shop confirmed that Opitz obtained money from Western Union on that occasion.

18. Through a series of consensually monitored telephone calls and text messages with (908) 574-9562 between March 24, 2014 and April 14, 2014, the UCA made a third purchase of HGH. As arranged with the operator of (908) 574-9562, the UCA sent \$900.00 via Western Union to Eric Opitz in exchange for HGH. At no time during the conversations did the operator of (908) 574-9562 ask for a physician's prescription for the HGH that would be sold.

19. The results of a grand jury subpoena reveal the money sent via Western Union on April 9, 2014 by the UCA was retrieved by payee Eric Opitz. The payee's date of birth was listed as "11071968." The payee driver's license ID was listed as "27025988." Per Pennsylvania State indices, driver's license number 27025988 belongs to Eric C Opitz; date of birth: November 7, 1968; address: 47 Chippenfield Drive, Effort, Pennsylvania 18330.

20. On April 16, 2014, a person contacted the UCA via text message from telephone number (484) 353-2701. The text message stated "Call me eric." Later, during a consensually monitored telephone call, the UCA spoke to the individual previously operating telephone number (908) 574-9562 over telephone number (484) 353-2701. During the conversation the UCA and the operator of (484) 353-2701 brokered a deal the sale of more HGH.

21. On April 18, 2014, HSI agents retrieved a USPS parcel ("PARCEL3") from an undercover address. The tracking number 9114 9012 3080 3142 6213 79 was listed on PARCEL3. As with the first two undercover purchases of HGH referenced above, PARCEL3 did not have a return address. A label on PARCEL3 listed:

U.S. POSTAGE
PAID
STEWARTSVILLE, NJ
08886

AMOUNT
\$3.91

22. Agents found three items inside PARCEL3. One item was a box marked Genotropin. Other markings found on the box included "Pfizer," "Rx only," and "NDC 0013-2626-81." The lot number on the box was A05229 and the expiration date listed was April 2016. There were two bottles in PARCEL3. One bottle was marked "Spring Valley," "I - Arginine" ("BOTTLE2"). Written on the cap of BOTTLE2 is what appears to read "A-Drol," "100 mg" and "40." Contained in BOTTLE2 were forty light blue pills. The second bottle ("BOTTLE3") was also marked "Spring Valley," but it was labeled to contain "L - Glutamine" bottle. On the cap of BOTTLE3 is written what appears to read "Anavar," "100 mg" and "28." Contained within BOTTLE3 were twenty-eight yellow pills. Two light blue pills and two yellow pills obtained from PARCEL3 were sent to CBP, Laboratories and Scientific Services for analysis. The light blue pills contain oxymetholone, an anabolic steroid and controlled substance. The yellow pills contain stanozolol, an anabolic steroid and controlled substance.

23. On April 28, 2014, SA Shaw entered the <http://philadelphia.craigslist.org/> website. Within the <http://philadelphia.craigslist.org/> website, SA Shaw utilized the "search craigslist" function for the phrase "hgh." One of the results yielded by the search revealed an entry titled "hgh (human growth hormone) medical grade." The description for this entry is listed below:

hgh (human growth hormone) medical grade - \$20 (philly)
HGH (HUMAN GROWTH HORMONE) PHARMACY GRADE - \$20
(PHILLY AND NJ)
HGH HUMAN GROWTH HORMONE
PHARMACY GRADE genotropin and humatrope
BUILD LEAN MUSCLE MASS
BURN FAT
INCREASE ENERGY
HEAL INJURIES

CONTACT FOR ALL DETAILS TEXT 484 353 2701

24. From a review of the records agents have determined that, since at least in or about September 2010, Opitz has been a Social Security and Medicare beneficiary. He receives prescription drug benefits through Part D of Medicare. Specifically, Opitz was enrolled in PDPs provided by Gateway Health Plan, Limited Income Net Program-Humana, Health Spring Life & Health Insurance Company, and Highmark Corporation. Gateway Health Plan, Limited Income Net Program-Humana, Health Spring Life & Health Insurance Company and Highmark, Inc. are CMS approved PDP providers. Opitz's registered address with Medicare has been and is 602 Passaic Avenue, Phillipsburg, New Jersey 08865.

25. According to Medicare claims data, Opitz was diagnosed with testicular hypofunction, and was prescribed testosterone cypionate (an androgen or steroid). This drug must be obtained from a pharmacy with a prescription from a licensed physician. Opitz was also diagnosed with pituitary dwarfism, and was prescribed several growth hormones, including Genotropin and Nordotropin. These drugs must be obtained from a pharmacy with a prescription from a licensed physician.

26. I believe that Eric C. Opitz is not a licensed medical practitioner in the State of New Jersey after searching for but not finding his name among the New Jersey Division of Consumer Affairs Medical Licensees.

27. Based on analysis performed by Medicare Prescription Drug Integrity Contractor ("MEDIC"), during the period from in or about September 2010 through in or about May 2014, Opitz obtained 423 prescriptions for various drugs from over 25 different physicians. The total cost for Opitz's drugs during this time period was \$571,840.

28. Of Opitz's 398 prescriptions, 36 were for growth hormones and 32 were for androgens (steroids). Medicare paid approximately \$535,518 for Opitz's growth hormones and \$5,238 for his Androgens for a total of \$540,756.

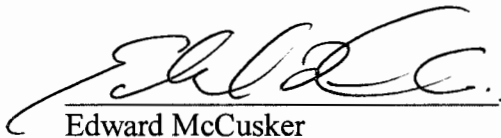
29. Medicare Part D Claim data indicated Opitz's prescriptions for growth hormones were obtained from Humana Pharmacy, Inc. d/b/a Rightsource Pharmacy, 9843 Windisch Road, West Chester, Ohio 45069 and Walgreen's Specialty Pharmacy, 500 Noblestown Road, Carnegie, Pennsylvania 15106.

30. In response to grand jury subpoenas, Walgreens confirmed that their mail order specialty pharmacy in Carnegie, Pennsylvania dispensed two types of HGH to Opitz since at least January 2010. The brand names for the HGH were Genotropin and Norditropin. These prescriptions were filled based on a prescription by Dr. Donald Barilla. Each monthly contained 48 Genotropin 5mg cartridges, which were delivered to Eric Opitz at 602 Passaic Avenue, Phillipsburg, New Jersey. I recently learned that Walgreens last shipped 48 Genotropin 5mg cartridges to Opitz at 602 Passaic Street on May 20, 2014 via FedEx, tracking number 605732514562. The tracking number feature on the FedEx website was accessed, which confirmed that the package was delivered on May 21, 2014.

31. On June 2, 2014, the UCA had a consensually recorded conversation with the person who identified himself as Eric Opitz on his cellular telephone. The purpose of the call was to finalize a deal for the UCA to buy 60 Genotropin 5mg cartridges for \$10,000 on June 3, 2013. The UCA originally proposed that they meet at the parking lot of a Gold's Gym in Whitehall, Pennsylvania, but the person who identified himself as Eric Opitz changed the location to a different parking lot because he said there were too many police near Gold's Gym.

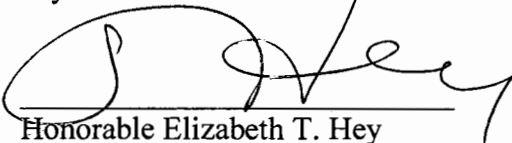
Conclusion

32. Based upon the foregoing, your affiant submits that there is probable cause to arrest Eric C. Opitz for violating 18 U.S.C. §§ 1341 (mail fraud), 1343 (wire fraud), 1347 (health care fraud), and 21 U.S.C. § 841 (distribution of controlled substances).



Edward McCusker
Special Agent
United States Food and Drug Administration (FDA),
Office of Criminal Investigations

Sworn to and subscribed,
in my presence this 3rd
day of June 2014:



Honorable Elizabeth T. Hey
United States Magistrate Judge